

**Town of Shrewsbury - Board of Selectmen  
Richard D. Carney Municipal Office Building – Selectmen's Meeting Room  
100 Maple Avenue  
Monday, December 16, 2002 at 7:00 PM**

**Minutes**

**Present:**

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux and Daniel Morgado, Town Manager. Mr. Fiore, Chairman, called the meeting to order at 7:01 pm.

**Preliminaries:**

1. Approve bills, payrolls and warrants #0347 in the amount of \$265,532.77 and #0350 in the amount of \$710,540.30. Motion was made, seconded and unanimously voted to approve.
2. Approve Minutes of November 25, 2002 and December 2, 2002. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Card referred to the recent incident in Lawrence involving the deaths of four boys who fell through thin ice on the Merrimack River. He said he hoped that parents in Shrewsbury would warn their children to stay away from the ice so this tragedy would not be repeated in our town. Mr. Fiore said that he had attended the 275<sup>th</sup> Birthday Party for the Town at the new high school last weekend. Many proclamations had been received including a letter of congratulations from President George W. Bush dated October 21<sup>st</sup> presented by Rep. Polito. Mr. Morgado will find an appropriate place to display these proclamations in the Town Hall.
4. Town Manager's Report - Nothing other than what is on the Agenda.

**Meetings**

**Hearings:**

5. 7:15pm – Wagner & Wagner Auto Sales d/b/a Wagner Motor Sales, Ronald W. Wagner, Mgr., 752 Boston Turnpike. Class I and Commercial Garage License for sales & service of new and used automobiles and motorcycles. Sales: Mon.-Sat. 8:00am-9:00pm, Sun. 12:00 noon -6:00pm. Service: Mon.-Fri. 8:00am-5:30pm. Ronald and Mark Wagner were present. Mr. Fiore advised that he had contacted the Ethics Commission and they had ruled that he was not in a conflict of interest situation with this hearing and would be allowed to act as chair. A letter from the Ethics Commission is on file in the Town Clerk's Office. Mr. Fiore said that all reports from department heads as well as a CORI were favorable. Ronald Wagner advised the Board that this would be a BMW franchise and gave an overview of what his company plans to do at this location. The Board asked Mr. Wagner a number of questions. Mr. Fiore opened the hearing to the public for comment. Residents spoke both in favor and against the application. After a discussion, the Board concluded that they would like to review the minutes of the Planning Board Hearing and a complete set of plans for this business before rendering a decision. The hearing was continued until January 13, 2003 at 7:15pm.
6. 7:30pm – Ronald Favacchia d/b/a R & G Auto Sales, 47-49 Hartford Turnpike, Class II and Commercial Garage. Hours of Operation: Sales & Service: Monday-Saturday 8:00am-8:00pm, Sunday 12:00 noon-6:00pm. Mr. Fiore recused himself citing conflict of interest as he holds a Class II license and Mr. DePalo assumed the chair. Mr. Favacchia was present and outlined his plans for this site and advised the Board that there is an active tenant on the site at this time that will be moving elsewhere. Mr. DePalo advised that all but one of the reports received from department heads were favorable. The treasurer's office reported unpaid taxes by the property owner. He said there was also an issue with the ZBA restriction on this site. Mr. DePalo opened the hearing to the public. Favorable testimony was heard from a resident. Following a discussion, the Board continued the hearing until January 13, 2003 at 7:30pm to allow clarification on the ZBA restriction and contact to be made with property owner regarding the unpaid taxes.
7. 7:45pm – Iandoli Austin's II, Inc. d/b/a Austin Liquors, 20 Boston Turnpike. Change of manager from James C. MacKay to Andrew Novakoski for existing All Alcohol Package Store License. William Iandoli, company present, and Mr. Novakoski were present. Mr. Iandoli explained the reason for the change of manager and Mr. Novakoski's qualifications. Mr. Fiore advised that all reports from department heads and CORI were favorable. He opened the hearing to the public for comment. Seeing none; motion was made, seconded and unanimously

voted to close the hearing. Motion was made to approve the change of manager for Iandoli Austin's II d/b/a Austin Liquors from James Mackay to Andrew Novakoski. Motion was seconded and unanimously voted.

#### **Old Business:**

8. Roger Nolli d/b/a Nolli's Auto Sales, 356 Boston Turnpike, Class II and Commercial Garage. Hours of Operation: Sales Monday-Saturday 8:00am-8:00pm; Service Monday-Saturday 8:00am-8:00pm. Mr. Fiore reviewed the hearing held on December 2<sup>nd</sup> on this application and turned the chair over to Mr. DePalo in order to avoid the appearance of a conflict of interest. Mr. DePalo reported that a letter had been submitted by Mr. Nolli withdrawing his application. Motion was made, seconded and voted four in favor with one abstention to accept Mr. Nolli's request to withdraw his application without prejudice.

#### **New Business:**

9. Discuss MMA Annual Meeting questions. The questions have not yet been received.
10. Approve and sign PWED Grant Contract. Motion was made to approve the contract and to authorize the Chairman to sign the necessary documents. Motion was seconded and unanimously approved.
11. Shrewsbury Electric Light Department recommends one (1) 70-watt high-pressure sodium light fixtures to be installed on Robertson Drive. Cost to the Town would be \$30.73 per light totaling \$30.73. Motion was made, seconded and unanimously voted to approve.
12. Act on Community Septic Management Program loan documents authorizing \$200,000 additional borrowing authorization and authorization of chairman to sign all documents. Motion was made to authorize the Chairman to sign all the necessary documents. Motion was seconded and unanimously voted.
- 12a. Report from Animal Control Officer Leona Pease re Animal Complaint at 633 Main Street. The dog is to be placed out of Town, Animal Control Officer to follow up and report to Board. The complainant will be advised of action taken.

#### **Executive Session:**

Pending litigation. Motion was made, seconded, and unanimously voted to adjourn into executive session at 8:35 pm and not to reconvene for the purpose of discussion of real property. The Board was polled, Mr. Hammond, yes, Mr. Lebeaux, yes, Mr. Card, yes, Mr. DePalo, yes, and Mr. Fiore, yes.

#### **Communications:**

9. Noted copy mailed: E-mail from Robbin Miller, 12 Greenwood Avenue, re petitions. (Forwarded to Police Dept. for recommendations.) This is a two part request. The Board will await the Police Dept. recommendation. Board not in favor tampering with the overnight parking ban.
10. Noted copy mailed: Complaint of Vicious or Barking Dogs - William Menanson, 637 Main Street. See item 12a.
11. Noted copy mailed: Letter from Congressman McGovern re recommendations for possible federal funding of local projects FY04 budget. The Congressman is waiting to receive his legislative calendar prior to setting a date for the annual Legislative Breakfast.
12. Noted copy mailed: Request from 50<sup>th</sup> Anniversary Korean War Commemoration Committee for support during 2003.
13. Noted copy mailed: Request from Barbara Dillon Sundeen to modify hours of operation for Common Victualler's license for The Edgemere Diner. Application must be filed and public hearing held in order the change license. Ms. Sundeen will be notified.
14. Noted copy mailed: State Ethics Commission Bulletin.
15. Noted copy mailed: School Committee Meeting Agenda, 12/22/02.
16. Noted copy mailed: Parks & Rec Update - "Let it snow!" and Parks & Rec News 12/12/02.
17. Noted copy mailed: City & Town, Vol. 15, No. 10 - November/December 2002.
18. Noted copy mailed: Request from United Rug Auctioneers, Inc., 50 Oliver Street, No. Easton, MA to hold Oriental rug auction on 2/22/03 at Milan, 889 Boston Turnpike. Sent to Chief Sampson for action.
19. Noted copy mailed: Request from CHI Realty Trust for assistance in obtaining utility easement for lot #64 Greenbriar Drive and related material. It is not the Town's policy to open roads in the winter and an easement form National Grid is also required before work can begin. Mr. Morgado will respond and advise that request is denied at this time.
20. Noted copy mailed: Letter from MassHighway Com. Cogliano re Cherry Street Connector project. Moving forward.

21. Noted copy mailed: Notice of Annual Mtg. of Mass. Recreation & Park Assoc.
22. Noted copy mailed: Memo from John Knipe, Highway Supt. re Snow Storm Reports November 27, 2002.
23. Noted copy mailed: ZBA Hearing Minutes, 11/19/02, Dennis Mastro, 31 Caroline Avenue.
24. Noted copy mailed: ZBA Hearing Minutes, 11/19/02, Michael & Pamela Ames, 16 Van Ness Avenue.
25. Noted copy mailed: ZBA Hearing Minutes, 11/19/02, Alan & Sheila Barter, 136 Old Mill Road.
26. Noted copy mailed: ZBA Hearing Minutes, 11/19/02, Martin & Cynthia Daly, 39 Maury Lane.
27. Noted copy mailed: ZBA Hearing Minutes, 11/19/02, Sprint Spectrum d/b/a Sprint PCS & Cello Partnership d/b/a Verizon Wireless, 19 Church Road.
28. Noted copy mailed: School Committee Meeting Minutes, 10/16/02, 11/6/02, 11/20/02.
29. Noted copy mailed: Letter from Worcester Mayor Murray & City Manager Hoover re MBTA public hearing on December 16<sup>th</sup> and concerns about service.
30. Noted copy mailed: Letter from US Conference of Mayors re Mayors Afterschool Leadership Project.
31. Noted copy mailed: Westborough Treatment Plant Board Mtg. Minutes of 11/13/02 and Minutes of Joint Meeting with Boards of Selectmen for Westborough & Shrewsbury, 11/7/02.
32. Noted copy mailed: Letter from Roger Nolli requesting the Board's approval of withdrawal of his application for a Class II and Garage License for property located at 356 Boston Turnpike.

Motion was made, seconded, and unanimously voted to adjourn into executive session at 8:35 pm not to reconvene for the purpose of discussing pending litigation.

Respectfully submitted,

Janice C. McCoy  
Secretary